

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA

v.

COLIN HARLE

Docket No. 2:18-mj-307-JHR

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Robert Ekey, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Food and Drug Administration, Office of Criminal Investigations (FDA OCI), assigned to the Boston Resident Office in Wakefield, Massachusetts. As such, I am authorized to conduct criminal investigations, make arrests, and execute search and arrest warrants for offenses in violation of the federal Food, Drug and Cosmetic Act (FDCA), Title 21, United States Code, Sections 301-395 and related violations of Title 18 of the United States Code and related violations of Title 18 and Title 21 of the United States Code. I have been a federal law enforcement officer since 1998. Prior to joining FDC OCI, I was employed as a Special Agent with the Department of Housing and Urban Development, Office of Inspector General and the Treasury Inspector General for Tax Administration, and as an Inspector with the Internal Revenue Service (IRS), Inspection Service. I have been a Special Agent with FDA OCI for over eight years. I have completed the Special Agent Training Program at the Federal Law Enforcement Training Center, IRS Inspector Basic Training Program, FDA OCI Special Agent Training Program and the FDA OCI Food and Drug Law Training Program, which covered various legal aspects of criminal enforcement of the FDCA

related to the sales of misbranded and adulterated drugs. I have been the affiant on numerous search and arrest warrants and have conducted numerous investigations regarding violations of Titles 18 and 21 of the United States Code.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement personnel.

3. I make this affidavit in support of a criminal complaint charging Colin Harle with possession with intent to distribute alprazolam (also known as Xanax), in violation of Title 21, United States Code, Section 841(a)(1) and holding for sale a counterfeit drug, in violation of Title 21, United States Code, Section 331(i)(3).

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

5. On August 27, 2018, law enforcement officers with the Maine Drug Enforcement Agency (MDEA) received information that Colin Harle was distributing counterfeit drugs. In response, agents arranged for a controlled transaction for 1000 alprazolam pills with Colin Harle.

6. As Harle arrived at the designated meeting location in South Portland, law enforcement approached his white Audi S4. Harle was the registered owner, driver, and sole occupant of this Audi.

7. Law enforcement searched the Audi. A sandwich bag of approximately 1000 apparent alprazolam pills was located in the glove box.


8. During further investigation, law enforcement seized a safe belonging to Harle. Within the safe were approximately 20,000 additional pills contained in ziplock bags and a firearm.

9. The FDA laboratory confirmed a representative portion of the pills seized from the Audi and from the safe contained alprazolam.


10. I am familiar with the appearance and markings of factory produced alprazolam pills. Based on my physical examination of the seized pills, I believe they are counterfeit.

CONCLUSION

11. I respectfully submit, based on the facts set forth above, that probable cause exists to charge Colin Harle by Criminal Complaint with the offenses of possession with intent to distribute alprazolam, in violation of 21 U.S.C. § 841(a)(1), and holding for sale a counterfeit drug, in violation of 21 U.S.C. § 331(i)(3), and request that the accompanying Criminal Complaint be issued.


Robert Ekey
Special Agent, FDA-OCI

Sworn to before me and subscribed in my presence this 20th day of September, 2018.


John H. Rich III
U.S. Magistrate Judge